REMARKS

In the Office Action dated March 23, 2005, claims 1 – 4 were objected to because the use of "35 to 55 by weight of polytetrafluoroethylene" to blend with "70 to 45% by weight of a copolymer" is improper. The Examiner is correct. Claim 1 should be amended to read a melt processible composition comprising about *65* to 45% by weight of a copolymer, instead of about 70 to 45% by weight. This amendment should address the Examiner's concerns.

Claims 1 – 5 were rejected under 35 U.S.C. §102(b) as being anticipated by Heffner et al. The Examiner states that with respect to the 102 rejection over Heffner, Applicants allege that Claim 1 has been amended to use copolymer in 35- 55 wt% instead of 30 – 55 wt%. As noted above, claim 1 now recites that the composition of the present invention comprises 65 to 45% by weight of a copolymer, and about 35 to 55% by weight of polytetrafluoroethylene, which now makes a blend of 100%. Applicants have a selection invention which gives a much better Flex Life in our claimed range (see Table 3, page 6, which shows a measured vs. calculated Flex Life at least 13% greater in Example 1 and Example 2 even better than that). Applicant's invention is not directed to PTFE percentages alone, which the Examiner appears to rely on, but rather is directed to the synergistic effect of PTFE and Melt Flow Rate (MFR). In this regard, note that Comparative example 2 of the present application also has a PTFE % of 40%. However, this example has an MFR of 1.9. Applicants claim .1 to 1.7.

Moreover, Heffner discloses that PTFE and PFA should be close enough in viscosity to permit adequate mixing, and can be two orders of magnitude different. See paragraph 26. See also paragraph 21, which states that the copolymer (which is PFA) has an MFR of .5 to 500 in grams/10 minutes, preferably 0.5 to 500. Applicant's claims overlap has range (we claim 0.1 to 1.7). However, if PTFE is within 2 orders of magnitude different, then it could be 0.005 to 50,000. This is unimaginable how something can have an MFR of 50,000.

Claims 1 – 4 were rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Branca (US. 5,708,044). It is not clear how the references would have also prepared a melt processible PTFE blend. This is supposition on behalf of the examiner. Branca specifically discloses a non-melt processible blend. See column 2, at top of Branca, which describes modified. If the examiner is saying that in the process of making a melt processible PTFE blend, Branca must have made non-processible PTFE blend, this does not necessarily or logically follow. Non-melt processible is simply not disclosed. Moreover, the polymers in the Examples of Branca are all off the shelf polymers. There is no evidence of experimentation which would have led to a melt-processible PTFE blend.

While Leck discloses a broad viscosity range for PFA and FEP, Leck does not disclose the claimed melt viscosity of PTFE. Column 6, lines 43 – 44 of Leck discloses PTFE can have single melt viscosity of 1 x 10(9) Pascal seconds, which is much greater than what we have. While Leck states that different melt viscosities can be used, Leck simply does not

disclose Applicant's claimed melt viscosity. Therefore, Examiner's arugment that Leck uses substantially identical composition is weak.

Moreover, Applicant is not claiming viscosity. Instead, Applicant is attempting to show that the broad viscosity range disclosed by Leck does not translate into Applicant's composition. While one can independently tune the melt flow rate of a comomomer, it is respectfully submitted that it would not have been obvious to choose Applicant's specified comonomers in combination with Applicant's other claimed parameters and arrive at Applicant's claimed invention.

In addition, the Examiner's reliance on inherency is misplaced. As stated in MPEP§2112, where applicant claims a composition in terms of a function, property or characteristic and the composition of the prior art is the same as that of the claim but the function is not explicity disclosed by the reference, the examiner may make a rejection under both 35 USC 102 and 103, expressed as a 102/103 rejection. under 35 U.S.C. §103(a). The examiner has attempted to state that Applicant's claimed composition is inherently the same as that disclosed in the cited references. However, the major flaw with the Examiner's argument is that he has failed to show that the composition of the prior art is the same as that of the claim. Instead, he relies on certain characteristics of the claimed composition and alleges that the other characteristics are inherent in the references.

It is respectfully submitted that this inherency argument cannot stand. As further stated in MPEP§ 2112, in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determined that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

Jane O. Hamby

JANE O. HAMBY
ATTORNEY FOR APPLICANT
Registration No.: 32,872
Telephone: (302) 892-7907
Facsimile: (302) 892-7925

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